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SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (ROBERTS AND DENYER)
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REF: A. 08 THE HAGUE 1015
[1](#)B. THE HAGUE 71
[1](#)C. 08 THE HAGUE 898
[1](#)D. THE HAGUE 40
[1](#)E. THE HAGUE 59

This is CWC-04-09.

SUMMARY AND INTRODUCTION

[1](#)1. (SBU) With few scheduled meetings the past few weeks, OPCW has been buzzing with corridor conversations on the aftermath of the Conference of the States Parties (CSP) in December and whether Iran will request a special session of the Conference, and on potential candidates for the office of Director-General (DG). Iran's tactics for the upcoming Executive Council (EC) following its isolation at the CSP will undoubtedly impact how much business can be done. Iraq will become a State Party (SP) to the Chemical Weapons Convention (CWC) just days before this EC; whether and how Iraq will participate is not yet known. EC-55 will welcome Iraq's accession to the treaty; more difficult questions lie ahead when Iraq makes its initial declaration.

[1](#)2. (SBU) The newest item on the EC agenda is the appointment of a Director-General by the end of the year. Iran has already signaled that it is "too early" to start the search and that "informal informals" will be needed first. Iran will also likely raise questions on the 90-day reports on destruction progress and may try to push for stronger language on future sites, specifically in the U.S. Iran also has submitted additional changes to its Schedule 1 Facility Agreement the EC deferred in October.

[1](#)3. (SBU) Industry issues lack prominence on this agenda, with two open facilitations still waiting for volunteers to lead them. The list of nominations for the Advisory Body for Administrative and Financial Matters (ABAF) has grown to eight; Delreps have been quietly promoting broader reform of ABAF to improve its expertise. The election of a new EC chair and vice chairs may turn

contentious if the Iranians choose to pursue the Asian vice chair without an Ambassador, or if they challenge other groups' candidates, particularly the Mexican Ambassador as the chairman.

THE JOKER'S WILD - HOW WILL IRAN PLAY ITS NEXT HAND?

¶4. (SBU) Following Iran's intransigence and near total isolation at the Conference of States Parties in December (ref a), OPCW officials and delegations are wondering who will represent Iran at this EC. Mohsen Naziri Asl, the de facto leader of the local Iranian delegation since the departure of their ambassador in September, informed the EC Bureau in January that he would be departing The Hague before the EC. However, he has waffled on the precise date of his departure in conversations with other delegates, implying that he would attend the EC.

¶5. (SBU) Naziri Asl appeared for the informal consultations on the EC-55 agenda on February 9, and signaled questions on agenda items concerning destruction, industry consultations, and the selection of the Director-General. As the chief architect of Iran's failure at the CSP, Naziri Asl's leadership at the EC would confirm a continuing hard line and lack of compromise. A new face from Tehran, or a leading role by Naziri Asl's savvy colleague Hassan Vejdani (a former instructor at the Iranian diplomatic school), would suggest a fresh start toward renewed consensus, or at least fresh tactics on the floor. Del expects this next

round will continue to be led by Naziri Asl.

IRAQ - THE NEW KID IN TOWN

¶6. (SBU) Iraq's recent accession to the CWC has generated some discussion, but is likely to be greeted at EC-55 by congratulatory remarks. Del anticipates the difficult discussions will begin only after Iraq has submitted its initial declaration. In a meeting with Mexican Ambassador Lomonaco, Del learned that Iraqi Ambassador Banaa apparently believes his country is acceding to the CWC as a "non-possessor," and has told Lomonaco that U.S. forces have destroyed any chemical weapons that existed. This points to a need to communicate several points to Banaa and his delegation at the earliest possible opportunity. First, Iraqi reps in The Hague should be aware of the contents of their national declaration. Second, they should clearly understand what recovery activities have been undertaken so far, and the fact that these do not mean that all Iraqi CW has been eliminated. Third, it will be important for Banaa and his staff to understand the current political dynamics in the Executive Council and their likely impact on Iraq.

¶7. (SBU) Del recommends several meetings on the margins of EC-55: a working level bilateral with the UK, a bilateral meeting with the Iraqi delegation, and a meeting with the Technical Secretariat (TS) and the UK to discuss TS activities and possibly the forthcoming U.S. and UK declarations.

NEW HORIZON - THE SEARCH BEGINS FOR A DIRECTOR-GENERAL

¶8. (SBU) Agenda item 13 requests the Council to consider the matter of the appointment of a new Director-General (DG). Del expects the Chairperson to outline a nomination process, but it is not clear how much consultation or blessing she wants from the Council. Ambassador Javits and others have advised her not to open the issue of procedures for choosing the DG to an EC

decision, at risk of endless debate. Algeria is already openly stating its intention to nominate its OPCW ambassador, Benchaa Dani, as a candidate (ref B). Many delegates are assuming that Deputy Director-General (DDG) John Freeman is running for the top job, and speculation is rampant about other potential candidates from a variety of countries. Delrep was even asked if Ambassador Javits might be nominated.

¶9. (SBU) During the February 9 informal consultations on the EC-55 agenda, the South African delegate asked what delegations can expect to see for this agenda item. EC Chairperson Tomova responded that it is important to engage the member states and to provide time for the process to unfold before the annual meeting of the CSP. She also mentioned the possibility of an Open Ended Working Group. The Iranian delegation stated that the "time is not ripe" for such consultations and that "informal informals" would be needed first. Tomova replied that it is necessary to start the process, but that there would be lots of opportunities to exchange views. (Del comment: Following the meeting, Tomova Qviews. (Del comment: Following the meeting, Tomova spoke with several delegations, including ours, about meeting later in the week to discuss this issue. End comment)

SHOWDOWN ON DESTRUCTION? - 90-DAY REPORTS

¶10. (SBU) Two sets of 90-day reports on destruction progress are on the Council's agenda. Given that destruction progress was the topic that resulted in the

first failure of the Conference of States Parties to agree to a final consensus report, this agenda item has the potential for an Iranian reprise of CSP antics. Del has heard from several sources that Iran has claimed only to be seeking previously agreed report language. EC-54 language is, of course, acceptable, but Iran is unlikely to be satisfied with this alone. The Russian delegation has shared its concerns that Iran will come forward with something far more creative, and has asked Delreps how the U.S. plans to respond, and what might be done to avoid another Friday-midnight finish. Having learned that they have been overestimating the value of the final report, Iranian reps are also far more likely to force a showdown on the agenda item itself, instead of waiting to fight the battle in report language.

¶11. (SBU) Iranian questions on prospects and dates for Pueblo and Blue Grass will probably start in the Destruction Informals, as they have at the past several Council sessions. Del recommends the U.S. provide a clear, consistent response, beginning with the Informals, and remind Iran and other delegations that the purpose of the reports is for the EC to review progress, as stated in paragraph 28, Part IV A of the Verification Annex. Del also recommends beginning the EC with a clear sense of what (if any) report language beyond that agreed at EC-54 would be acceptable to the U.S.

FACILITY AGREEMENTS - IRAN'S AND OURS

¶12. (SBU) Deferred from EC-54 in a tit-for-tat, amendments to the Iranian Schedule 1 Facility Agreement (originally approved by the EC in 2002) and the first-ever U.S. Schedule 1 Facility Agreement are both up for consideration and approval. To date, the Iranian delegation has contacted neither the TS nor the Del with any questions or comments on our facility agreement. The Iranian delegation has been similarly reticent in responding to questions raised by the U.S. Del and others on the floor of EC-54 specifically regarding the reasons why Iran is changing its facility agreement to a facility

arrangement. While the Del understands that a number of countries (e.g., the UK and Japan) have chosen to conclude arrangements with the OPCW to avoid having to obtain domestic legislative approval, it is not clear if this is the motivation behind Iran's sudden desire to transform its agreement into an arrangement. Nor is it clear if the original facility agreement ever was approved by the Iranian parliament. Additionally, in late January, Iran proposed a number of more substantive changes -- most of which were copied from provisions in the U.S. facility agreement -- without any explanation or justification.

¶13. (SBU) Del requests that Washington provide substantive comments to accompany any objections to approving the Iranian amendments to their facility agreement. Otherwise, Del recommends approval of the Iranian facility agreement, as it is clearly within the scope of what the U.S. considers acceptable at our own Schedule 1 facilities.

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SETTING THE PRECEDENT - FORMER PRODUCTION FACILITIES TEN YEARS AFTER CONVERSION

¶14. (U) The Russian delegation has made clear that they will not join consensus on the Secretariat's recommendations on continued verification measures at the UK former CW production facility at Portreath. Russia objects to the precedent these recommendations set for other former production facilities that reach the ten-year point following certification of conversion.

INDUSTRY ISSUES - FADING FROM VIEW

¶15. (U) The DG's assessment of the revised site selection methodology for Other Chemical Production Facilities (OCPFs) is the only new Industry Cluster item on the agenda. Industry Cluster consultations on OCPF Declaration Enhancements and on Schedule 2A/2A* Low Concentrations will take place during the week before EC-55; Del does not expect any substantive discussion on industry issues during EC-55. Without facilitators for outstanding industry issues -- including OCPF site selection methodology, industry issues will probably continue to plod along. The concomitant danger is that unresolved OCPF issues once again will dominate budget negotiations in the autumn.

AVOIDING ANOTHER SAB EXPERTS' MEETING

¶16. (U) The report of the Twelfth Session of the Scientific Advisory Board and the accompanying note by the Director General are on the Council's agenda. While the recommendations appear to be non-controversial, there is a danger that Iran, India, and others may use this as an opportunity to try to set up a Governmental Experts meeting to review each and every SAB report. Whether or not this occurs may be contingent upon the outcome of the Governmental Experts meeting the week before the EC to review the SAB report to the Second Review Conference.

ABAF - LET'S MAKE A DEAL

¶17. (SBU) After having deferred the consideration of seven nominees (three replacements for previous members and four new candidates from African Group delegations) to the Advisory Body for Administrative and Financial Matters (ABAF) at EC-54 (ref C), Del has been consulting informally with other delegations, within WEOG and with

the TS on ways to proceed. Currently, there are two issues: clearing the pending nominations before the EC as more nominations are expected to be added to the mix; and taking the opportunity to reform the ABAF to insure it provides independent, expert advice. When deferring the nominations at EC-54, the U.S. requested that curricula vitae of all nominees be circulated to the EC before approving candidates to serve on the ABAF. The TS has circulated a paper with the nomination letters and curricula vitae of three of the deferred nominees; however, the four African candidates have refused to provide their curricula vitae describing the request as discriminatory and not required by the ABAF's rules of procedure.

¶18. (SBU) In order to move ahead, Del suggests approving all pending nominations for a provisional period. During this provisional period, the ABAF and the EC would have the opportunity to clarify procedures for nominations and appointments. At the end of the provisional period, the ABAF would then be re-constituted (with currently serving members eligible to apply for re-appointment) in accordance to the revised rules.

¶19. (SBU) Del has engaged Costa Rican Ambassador Francisco Arguilar in his role as EC Vice-Chairman for Administrative and Financial Issues. Arguilar has agreed to take up the issue during the EC, including holding an informal consultation on the margins. Del does not expect the issue to be resolved during EC-55 but believes that with sufficient engagement, a compromise can be accomplished during EC-56 in April -- in advance of the ABAF's first meeting this year in late May.

MUSICAL EC CHAIRS

¶20. (SBU) The slate of candidates for election of the EC chair and vice chairs to begin office in May are on the agenda for this EC. GRULAC will have the Chair and has agreed that Mexican Ambassador Jorge Lomonaco will be their nominee. Del expects no opposition to Lomonaco, except possibly from Iran, as Lomonaco has been the most vocal proponent of voting at the last several meetings of the Council and CSP, notably when Iran was blocking action in those bodies. If Iran does object to his nomination, this election might well push the EC to a vote, although consensus would be highly preferable.

¶21. (SBU) WEOG approved the nomination of Dutch Ambassador Pieter de Savornin Lohman as vice chair. German Ambassador Werner Burkart had indicated his willingness to stay on, but bowed out in deference to his colleague. Lohman plans to retain Burkart's destruction portfolio (ref B).

¶22. (SBU) Other regional groups have not yet officially chosen their candidates for vice chair, although the Russian delegation would like to take the Eastern European seat. The question of the Iranian retention of the vice chair without an accredited Representative could re-emerge if Iran pushes to remain in the Asian seat. Strict adherence to the Rules of Procedure would deny that, but could also affect the Russians as their ambassador will be leaving The Hague this spring.

¶23. (SBU) Delrep asked Algerian Ambassador Dani if he would retain the African vice chairmanship; he replied that he hoped another ambassador would step forward to take it. (Del comment: Given Dani's DG ambitions, he may want more time to campaign. A more active vice chair on industry issues is long overdue, although most of the African delegations are not staffed to take a Bureau seat on. End Comment)

WILL THERE BE ANY OTHER BUSINESS?

¶24. (SBU) The Iranian delegation has been canvassing key delegations (not the U.S.) for support for a special session of the Conference of States Parties to reconsider the report from CSP-13 and adopt a final report by consensus. Japan, Mexico, Russia and western delegations have firmly told them that the decisions of the Conference stand, the CSP chairman's report is valid, and no special session is needed. French delegate Annie Mari believes the Iranians are getting some support from the NAM, but Del strongly doubts that the Iranians can obtain anywhere near enough member states' support for a special session. The Iranians might try, however, to include discussion of this issue at the EC under "any other business."

¶24. (U) Beik sends.
GALLAGHER